

**LEGAL SERVICES CORPORATION**

**BOARD OF DIRECTORS**

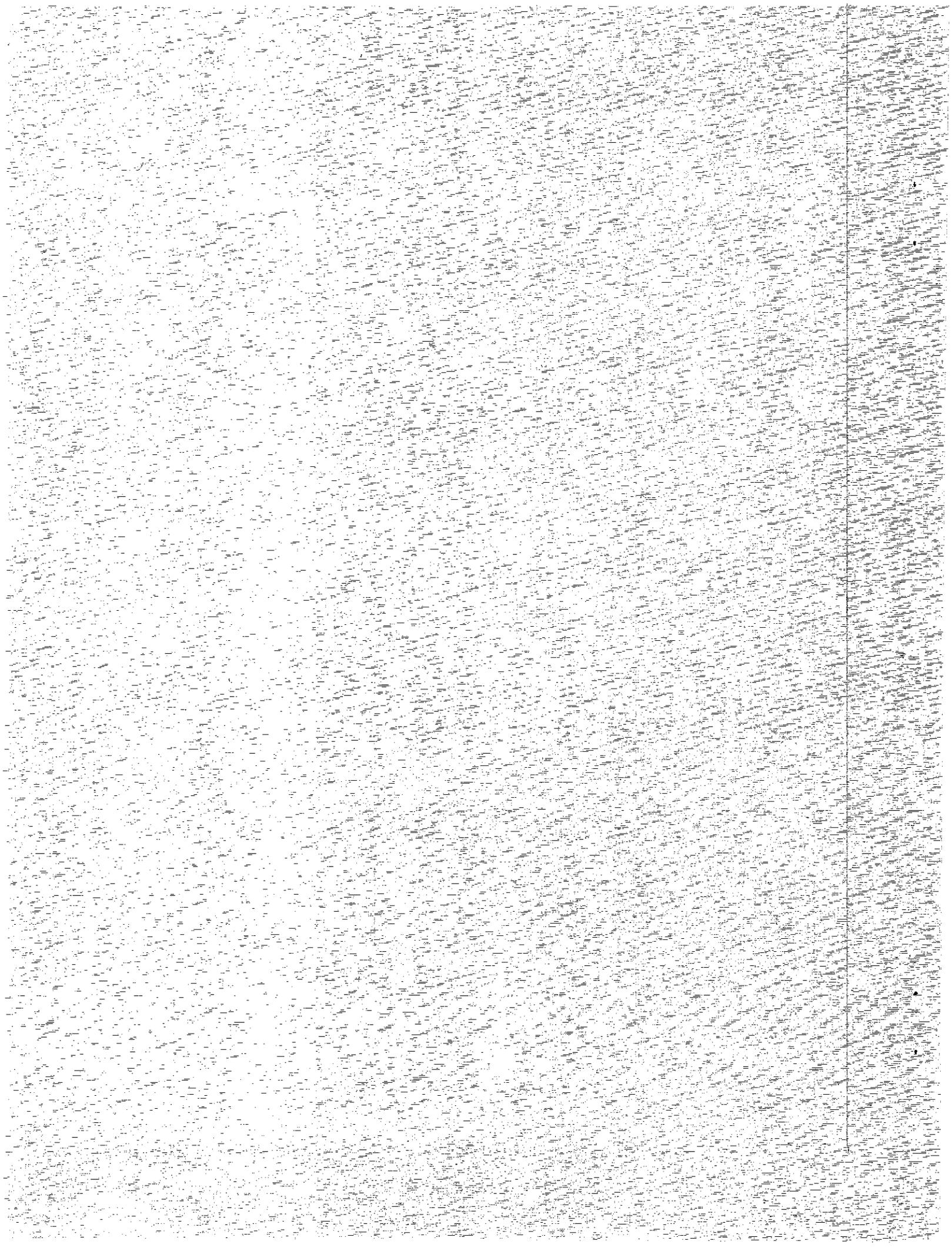
**OPEN SESSION**

**June 28, 1993**

**10:33 a.m.**

**The Peabody Hotel  
149 Union Avenue  
The Memphis Ballroom  
Memphis, Tennessee**

**Diversified Reporting Services, Inc.  
918 16TH STREET, N.W. SUITE 803  
WASHINGTON, D.C. 20006  
(202) 296-2929**



LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS

OPEN SESSION

June 28, 1993

10:33 a.m.

The Peabody Hotel  
149 Union Avenue  
The Memphis Ballroom  
Memphis, Tennessee

**Diversified Reporting Services, Inc.**

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**Board Members Present:**

George W. Wittgraf, Chairman  
J. Blakeley Hall  
William L. Kirk, Jr.  
Jo Betts Love  
Penny L. Pullen  
Norman D. Shumway  
Jeanine E. Wolbeck

**Staff Present:**

John P. O'Hara, President  
Emilia DiSanto, Vice President  
Patricia Batie, Secretary  
David Richardson, Treasurer & Comptroller  
Victor Fortuno, General Counsel  
Edouard Quatrevaux, General Counsel  
Kenneth Boehm, Assistant to the President & Counsel  
the board

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## Motions:

4, 5, 22, 38, 40

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## P R O C E E D I N G S

1  
2 CHAIRMAN WITTGRAF: At this time, the regularly  
3 scheduled meeting of the Board of Directors of the Legal  
4 Services Corporation will be in order, it being approximately  
5 10:30 a.m., on Monday, June 28, 1993, this being the Peabody  
6 Hotel in Memphis, Tennessee.

## A P P R O V A L O F T H E A G E N D A

7  
8 CHAIRMAN WITTGRAF: You have before you at page 42  
9 of the multiple meeting Board book the proposed agenda for  
10 this meeting. The Chair is prepared to entertain a motion  
11 for the approval of the agenda as presented at page 42 of the  
12 multi-meeting Board book.

## M O T I O N

13  
14 MR. HALL: So moved.

15 MS. WOLBECK: Second.

16 CHAIRMAN WITTGRAF: It's been moved by Mr. Hall,  
17 seconded by Mr. Wolbeck. Discussion?

18 (No response.)

19 CHAIRMAN WITTGRAF: Hearing none, those who are in  
20 favor of approval of the agenda as presented will signify by  
21 saying aye.

22 (A chorus of ayes.)

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1 CHAIRMAN WITTGRAF: Those opposed nay.

2 (No response.)

3 CHAIRMAN WITTGRAF: The ayes appear to have it.

4 The ayes do have it. The agenda is approved as drafted.

5 APPROVAL OF THE MINUTES OF MAY 24, 1993

6 CHAIRMAN WITTGRAF: Next we have before us the  
7 minutes of the last regular meeting of the Board of  
8 Directors, that of May 24, 1993. The draft minutes for that  
9 meeting appear at pages 45 through 51 of the multi-meeting  
10 Board book. The Chair is prepared to receive a motion for  
11 the adoption of those minutes as drafted.

12 M O T I O N

13 MS. WOLBECK: So moved.

14 CHAIRMAN WITTGRAF: It's been moved by Ms. Wolbeck.

15 MS. LOVE: Second.

16 CHAIRMAN WITTGRAF: Seconded by Ms. Love. Is there  
17 discussion regarding the draft minutes?

18 (No response.)

19 CHAIRMAN WITTGRAF: Hearing none, those who are in  
20 favor of adoption of the draft minutes will signify by saying  
21 aye.

22 (A chorus of ayes.)

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1 CHAIRMAN WITTGRAF: Those opposed nay.

2 (No response.)

3 CHAIRMAN WITTGRAF: The ayes appear to have it.  
4 The ayes do have it. The minutes are approved as drafted.

5 CHAIRMAN'S AND MEMBERS' REPORTS

6 CHAIRMAN WITTGRAF: We'll proceed to agenda item 3,  
7 so-called Chairman's and Members' Reports. I'll save a  
8 couple of my remarks for agenda items 4 and 5. Let me just  
9 mention one thing in connection with agenda item 3, and that  
10 is the draft of the program or the proposed program for our  
11 1993 annual conference of legal service providers.

12 I believe all of you have received a copy of that  
13 draft proposal. I think it's Ms. Batie's intention to be  
14 able to formalize the invitations for the conference within  
15 the next week to 10 days. So if anybody has any suggestions,  
16 any questions, any concerns, they should bring those to my or  
17 to her attention as soon as possible. Am I correct in  
18 assuming that everybody has a copy of this?

19 The Chair is prepared to recognize and will  
20 recognize any Board members who have any comments or  
21 observations or reports they'd care to share with the Board  
22 at this time.

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1 (No response.)

2 CHAIRMAN WITTGRAF: Hearing none and before we move  
3 specifically to agenda item 4, let me suggest that if there's  
4 anybody who is in attendance at this meeting today,  
5 particularly if he or she hasn't been here before at a Board  
6 meeting, if anybody has any thoughts, any questions, any  
7 comments he or she would like to share with us, this is  
8 probably the most appropriate time.

9 While we do show consideration of other business as  
10 the last item of our agenda, that typically comes after we've  
11 been to the Executive Session for an undetermined period of  
12 time. It would be more convenient, I'm sure more practical  
13 as well, if there's anyone who is attending today who has any  
14 comments, any questions, any ideas or any thoughts he or she  
15 would like to share with us, that now would be a good time.

16 Any takers?

17 (No response.)

18 CHAIRMAN WITTGRAF: Don't say you didn't have the  
19 opportunity. Even Mr. McIver or Ms. Newsome?

20 (No response.)

21 CHAIRMAN WITTGRAF: Thank you. You can reconsider  
22 later. It may just be a little more difficult.

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1 CONSIDERATION OF DISCUSSION ON THE ADVERSE IMPACT OF CURRENT  
2 BUDGETARY CONSTRAINTS ON LEGAL SERVICES PROVIDERS

3 - and -

4 CONSIDERATION OF DECLINATION OF REPRESENTATION  
5 AND OTHER LEGAL NEEDS SURVEY DATA

6 CHAIRMAN WITTGRAF: At this time, we'll proceed to  
7 agenda item 4 and 5 together, I believe. They really are  
8 part of the same matter, and that matter essentially is the  
9 Corporation's appropriation for fiscal year 1994. You'll  
10 recall from our April and May meetings that the staff, with  
11 the assistance of programs across the country, the basic  
12 field grant recipient programs, was attempting to compile,  
13 and ultimately did compile, a report having to do with the  
14 adverse impact of current budgetary constraints on legal  
15 services providers.

16 Thanks to the president, to Ms. DiSanto, especially  
17 to Mr. Sundseth, this report went through a number of  
18 distillations until it came out as you see it. Each of the  
19 Board members should have received a copy of this report. I  
20 don't know if Ms. Batie happened to bring additional copies  
21 of this report with her today. If anybody hasn't seen it and  
22 would like it, you're welcome to have mine. I think I have  
23 more copies. The Corporation does have more copies as well.

24 This was an effort by the staff, with the

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1 assistance of the basic field grant recipients in particular,  
2 to portray, both in graphic and in narrative terms, what  
3 already is happening because of limited increases in federal  
4 funding, because of reductions in IOLTA funding, what already  
5 is happening to legal services providers.

6 If you look particularly at page 4 of the report,  
7 you see just the kinds of reductions in salaries, freezes in  
8 salaries, reductions in hours, furloughs, reductions in  
9 office hours, closing of offices that have occurred in 1991,  
10 that have occurred in 1992, and that are projected for 1993  
11 and 1994.

12 President O'Hara and I did then provide copies of  
13 this report to Neal Smith, the congressman who chairs the  
14 House Appropriation Subcommittee that deals with our  
15 appropriation early in June, copies for him and for the  
16 members of the committee. We also left copies of the report  
17 with the chief counsel to the Senate Appropriation  
18 Subcommittee for distribution to the members of that  
19 subcommittee.

20 We haven't been communicating and corresponding.  
21 We've not had a hearing with the Senate Appropriation  
22 Subcommittee, but obviously the members there are equally

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1 important in any final appropriation decision.

2           Coincidentally and ironically, at the same time  
3 that Mr. O'Hara, Ms. DiSanto, Mr. Sundseth and others were  
4 finalizing that report, that so-called adverse impact report,  
5 John Osthaus, the chief counsel for the House Appropriation  
6 Subcommittee, contacted Mr. Boehm and the Corporation and  
7 said by the way, if you were faced for fiscal year 1994 with  
8 a five percent increase, a freeze budget, or a five percent  
9 cut in your budget, the request, I think, that Mr. Quatrevaux  
10 referred to in his memorandum of June 9th, to which we have  
11 discussed already this morning, what would that do to the  
12 Corporation and its grantees?

13           So that a June 4th memorandum, which, in many ways,  
14 overlapped with the adverse impact report, such a memorandum,  
15 labeled impact of budget scenarios and dated June 4, was  
16 prepared some six pages in length and provided specifically  
17 to Mr. Smith and to the members of the House Appropriation  
18 Subcommittee. I believe all the members of the Board have a  
19 copy of this.

20           The comment that was made to me, I believe, by Mr.  
21 Osthaus was that it did not necessarily mean that those three  
22 alternatives existed only for the Legal Services Corporation.

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1 and its funding for the next fiscal year, but rather, as I  
2 understood it, that that was a request being made of all of  
3 the agencies and departments and programs that receive monies  
4 through that appropriation subcommittee. We were asked to go  
5 through the exercise just as everyone else was.

6 On June 11th, Mr. Uddo and I, together with the  
7 assistance of Mr. Sundseth again, wrote to Chairman Smith and  
8 reiterated the Board's view that funding for law school  
9 clinical programs for fiscal year 1994 should be eliminated  
10 as a line item or as a specific appropriation from our  
11 appropriation for fiscal year 1994.

12 You know that Chairman Smith did not look favorably  
13 upon our suggestion that we even have reprogramming to that  
14 effect for fiscal year 1993. Even so, and this follows from  
15 the discussion we had in the last Board meeting in May, Mr.  
16 Uddo, in particular, wanted to reiterate the reasons for our  
17 thinking as to why that specific appropriation should be  
18 dropped out. That thinking was included or summarized in a  
19 two-page letter dated June 11. All the Board members, I  
20 think, should have a copy of that.

21 On June 14th, again with the assistance of the  
22 president and the vice president and most particularly Mr.

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1 Sundseth, who had just returned from a week's vacation to  
2 find that he'd been missed, and this pertains particularly to  
3 agenda item 5, the information that was included in the  
4 survey of 30 basic field grant recipient programs regarding  
5 declination of representation in May of this year was  
6 compiled both statistically and narratively and sent to Mr.  
7 Smith and to Mr. Rogers as well as to the other members of  
8 the House Appropriation Subcommittee.

9           You'll recall that this is most specifically in  
10 response to the questions of me and of President O'Hara at  
11 the House Appropriation Subcommittee hearing last March.  
12 Thirty programs were participating. If I'm recalling  
13 correctly, the information for only 25 of those programs is  
14 included in the statistical survey because we were just a  
15 couple of days ahead of the subcommittee's markup, and we  
16 were having trouble getting the data from the final five  
17 programs. We felt it was essential to go ahead, even absent  
18 the statistical summaries from those five programs.

19           Do you know, Ms. DiSanto, if we've received the  
20 survey results from the balance of the programs to date?

21           MS. DiSANTO: To the best of my knowledge, we did  
22 not.

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1           CHAIRMAN WITTGRAF: A point I made as I revisited  
2 with Mr. Sundseth, and I'll reiterate now for the president,  
3 for you, and for the record, is I think that it's important,  
4 if at all possible, to obtain the results from those other  
5 five programs so that someone who chose to challenge these  
6 figures or to criticize these figures would not be able to be  
7 in the position that we just left out those five because they  
8 didn't come through, so to speak, in the way that we had  
9 hoped, or expected, or anticipated.

10           So I hope that we can, if possible, get the results  
11 from those five programs and add them to the others. I think  
12 anybody who has the chance to look at these statistics will  
13 find them to be quite significant, if not startling, and will  
14 also find that they cover a wide range.

15           So, if anybody were to think that somehow the  
16 samples programs were not representative, the variety of  
17 survey responses, I would like to think, would dispel that  
18 notion. Everybody should have copies, everybody on the Board  
19 should have copies of the letters to Mr. Smith and to Mr.  
20 Rogers dated June 14th. I believe the letters are identical  
21 except for the addresses and the salutations.

22           I'll overlap with a couple of comments with

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1 probably the president's report and to the legislative report  
2 for Mr. Boehm. But as of two weeks ago, soon after this last  
3 letter was sent, the House Appropriation Subcommittee did  
4 mark up our appropriation request. It was on a Thursday, I  
5 believe, and it wasn't until just last Tuesday that that  
6 information was actually made public. The figure that's  
7 included in the overall bill, which includes our  
8 appropriation, is one of \$400 million.

9 In turn, on Thursday of last week, the House  
10 Appropriations Committee acted upon that appropriation and  
11 left it in the same shape that the subcommittee put it in,  
12 \$400 million for the Corporation. I think there's some  
13 thought that the -- and it was suggested by Congresswoman  
14 Lambert last night in her remarks and her visits for her  
15 remarks that as early as this Thursday, three days from now,  
16 the appropriation, including ours, will go to the floor of  
17 the House.

18 One of three things, at least, could happen. It  
19 could go through undiscussed and remain at this level. It  
20 could be challenged on a point of order for want of  
21 reauthorization and knocked out, but with that money put into  
22 a reserve pool calculated by the appropriations committees on

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1 the House and Senate side for so-called unauthorized  
2 programs. Or there could be an effort to reduce that  
3 specific figure to an amount lower than \$400 million. I  
4 don't think it's likely that anybody is going to go to the  
5 floor and attempt to increase that figure beyond \$400  
6 million.

7 Mr. Boehm, do you want to add anything to what I've  
8 just said at this time?

9 MR. BOEHM: No. Everything you said I can second.

10 CHAIRMAN WITTGRAF: So that is the status of our  
11 appropriation request to the Congress. The president, his  
12 staff, particularly Mr. Sundseth, and Ms. DiSanto have done a  
13 great deal of work in the preparation of these materials  
14 during the last month.

15 I'd like to think that these materials, which also  
16 would not have been possible without the assistance of the  
17 field grant recipient programs, as well as NLADA and PAG,  
18 that the \$400 million figure would not have been possible  
19 without the information that was provided and the urgency  
20 portrayed by that information.

21 It is a 12 percent increase which, in this time of  
22 reduced funding for programs or oftentimes no better than

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1 freeze funding, it's a substantial increase, a make-up  
2 increase. While the dollars are not huge in the overall  
3 context of the federal budget, it does, unfortunately because  
4 of the percentage of the increase, make the Legal Service  
5 Corporation appropriation a bit of a target if anybody is  
6 looking for an area to reduce because he or she is trying to  
7 increase a different appropriation that's one of particular  
8 interest to him or her.

9 So we have the full House to go through. We have  
10 the Senate Appropriations Subcommittee and Committee to go  
11 through. We have the full Senate to go through, and then we  
12 have the conference committee report. So the \$400 million is  
13 a very encouraging figure, but it's not even quite half baked  
14 yet.

15 Questions or comments as to agenda items 4 and 5?

16 MR. KIRK: Mr. Chairman?

17 CHAIRMAN WITTGRAF: Mr. Kirk?

18 MR. KIRK: I just want to comment that it looks  
19 like there's certainly been a terrific rebound from the  
20 committee hearings. I want to congratulate Mr. Sundseth and  
21 other management members, but most notably Mr. Wittgraf for  
22 what I think are some untiring efforts for Chairman Smith and

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1 for the opportunity that we have here.

2 CHAIRMAN WITTGRAF: Thank you, Mr. Kirk. I'm not  
3 sure what figure we're going to end up with. Four hundred is  
4 a big figure. The point I made yesterday in the forum we  
5 had, and I think it's still legitimate, is that if we get  
6 this kind of increase for fiscal year 1994, it's probably  
7 going to be the biggest increase for several years.

8 We had a pretty substantial increase from fiscal  
9 year 1991 to 1992 when we went from \$328 million to \$350  
10 million. I think the substantial increase then was one  
11 reason that a modest increase was considered acceptable from  
12 1992 to 1993 of just \$7 million from \$350 million to \$357  
13 million.

14 If an increase of \$43 million or something like  
15 that occurs between fiscal years 1993 and 1994, I think it's  
16 going to be a couple more years before it's going to be  
17 possible to make an other leap up of significant -- the next  
18 couple of years will probably hold, at best, cost-of-living  
19 type adjustments. I don't say that because the need isn't  
20 there, but I just say it because of the reality of the  
21 process.

22 As I also mentioned yesterday during the forum,

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1 it's important both to be in contact, as I think you know,  
2 with your members of Congress to let them know what your  
3 situation is and what this means to you as grant recipients.

4 Second, at some point during the process, or when  
5 it's all over, we all ought to send notes of appreciation to  
6 Congressman Neal Smith. He is the second ranking member now  
7 in the House Appropriations Committee. He's a 32, 33, year  
8 veteran of the House. He chairs this subcommittee in the  
9 absence, particularly, of Warren Rudmann from the U.S.  
10 Senate. Neal Smith is the most important member of the whole  
11 Congress in terms of the fate of Legal Services funding.

12 He has many, many, many other concerns on his  
13 plate, of course. But any substantial increase we get will  
14 be thanks more to him than to any one other individual in the  
15 Congress or otherwise. Always looking ahead, we need to show  
16 him our appreciation.

17 Further questions or comments?

18 (No response.)

19 CHAIRMAN WITTGRAF: Hearing none, we'll proceed to  
20 agenda item 6. For that purpose, the Chair recognizes the  
21 Corporation's general counsel, Mr. Fortuno.

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1           CONSIDERATION OF WHETHER TO PUBLISH FOR COMMENT PROPOSED  
2           CHANGES TO PART 1602 OF THE CORPORATION'S REGULATIONS

3           MR. FORTUNO: This item is actually a very simple  
4           and straightforward one. The Corporation is subject to the  
5           Freedom of Information Act. The Corporation's regulation  
6           implementing that Act for the Corporation is set out at 45  
7           C.F.R. 1602. What we've done is we've been contacted by the  
8           IG's staff some time ago about a FOIA. We discussed it at  
9           some length and discussed specific incidences that had  
10          arisen.

11          One of the things that came up was the notion that  
12          although it's not legally required, that it might be  
13          appropriate to transfer to the OIG responsibility for  
14          responding to and that is the granting or denying FOIA  
15          requests for OIG records.

16          There was some discussion about what OIG records  
17          would be. What we settled on was the definition of OIG  
18          records that it's essentially limited to records under the  
19          exclusive control of the inspector general's office. The  
20          proposed changes to the reg would essentially amend the regs  
21          so that records that are within the exclusive control of the  
22          OIG would not be addressed by the GC's office, as they

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1 currently are, but they would be addressed by the IG staff,  
2 and the first sentence by the counsel to the IG who would  
3 pass on initial requests, she would or her designee would.  
4 If there were an appeal from a denial, the appeal would be  
5 heard not by the president of the Corporation, as is  
6 currently the case, but by the inspector general himself.

7 In addition, we thought that since we were  
8 contemplating some changes to the FOIA reg in that regard, we  
9 would make some other changes that were needed, less  
10 significant changes affecting charges and better reflecting  
11 the Corporation's current internal administrative structure  
12 and procedures.

13 What we are asking the Board to do at this point is  
14 simply to give us some guidance as to whether to publish for  
15 comment the proposed changes that we provided to you earlier  
16 this month. This wouldn't lock us into anything. It's  
17 simply a matter of okaying our sending to the federal  
18 register for publication this version of proposed revisions.

19 That would be published in the federal register if  
20 okayed by the Board for a period of 30 days or longer. We  
21 would receive comments from the public if the public had any  
22 comments to offer. We would then go ahead and summarize the

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1 comments, provide you with copies of the comments, and offer  
2 you any analysis of the comments that might be helpful to  
3 you.

4 At this point, all we need is essentially an okay  
5 from the Board to proceed with publication of the proposed  
6 revisions in the FOIA reg.

7 CHAIRMAN WITTGRAF: Let me just mention that it  
8 would have been more routine or customary for this matter to  
9 have come through the operations and regulations committee of  
10 the Board. But in visiting with Ms. Batie, as she was  
11 preparing the schedules for our meetings yesterday and today,  
12 and realizing this would have been the only agenda item for  
13 that committee, we thought it was just as well and more  
14 efficient hopefully to simply bring this matter to the Board  
15 as a whole.

16 We would seem to have one of three options at this  
17 point. Either we can, as a Board, as just suggested by Mr.  
18 Fortuno, direct publication for notice pending final action  
19 later. We can put it off for further consideration in August  
20 and the opportunity for committee review if you'd prefer. Or  
21 we can choose to do nothing.

22 Comments, questions, motions?

1 MR. SHUMWAY: Mr. Chairman?

2 CHAIRMAN WITTGRAF: Mr. Shumway?

3 MR. SHUMWAY: I don't know as the matter is either  
4 controversial or complicated enough to warrant holding it for  
5 committee action. It would seem to me that it's fairly  
6 forthright. I, as one member of that committee, would not  
7 have any objection to the Board going ahead today rather than  
8 referring it to committee.

9 CHAIRMAN WITTGRAF: May I take that as a motion to  
10 that effect?

11 M O T I O N

12 MR. SHUMWAY: I would so move.

13 MS. LOVE: Second.

14 CHAIRMAN WITTGRAF: It's been seconded by Ms. Love.  
15 Further discussion?

16 (No response.)

17 CHAIRMAN WITTGRAF: Anything you'd like to add, Mr.  
18 Fortuno?

19 MR. FORTUNO: Nothing at this time.

20 CHAIRMAN WITTGRAF: Hearing no further discussion,  
21 those who are in favor of the motion, which is to direct the  
22 staff to proceed with publication, will signify by saying

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1 aye.

2 (A chorus of ayes.)

3 CHAIRMAN WITTGRAF: Those opposed nay.

4 (No response.)

5 CHAIRMAN WITTGRAF: The ayes appear to have it.

6 The ayes do have it. The motion is adopted.

7 MR. FORTUNO: We will promptly forward it to the  
8 federal register for publication, then. Thank you very much.

9 CHAIRMAN WITTGRAF: Thank you, Mr. Fortunio.

10 Mr. Shumway, we'll turn to you again, then, for the  
11 report of the Operations and Regulations Committee. I think  
12 you perhaps already have given us an indication of what your  
13 report will be, but please go ahead.

14 CONSIDERATION OF OPERATIONS AND REGULATIONS COMMITTEE REPORT

15 MR. SHUMWAY: Well, no meeting, no report. That's  
16 about all there is to it. We have not met, I think, since  
17 February of this year, but I anticipate that we will be  
18 meeting in August and there will be agenda items for us. But  
19 as of now, there is no report.

20 CHAIRMAN WITTGRAF: Thank you, Mr. Shumway.

21 Questions or comments for Mr. Shumway?

22 (No response.)

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1                   CHAIRMAN WITTGRAF: Hearing none, we'll proceed.  
2                   At this time, the record should reflect that Board member  
3                   Penny Pullen has joined this meeting of the Board by  
4                   telephone. Ms. Pullen, can you hear us?

5                   MS. PULLEN: Yes, I can. Yes, Mr. Chairman, thank  
6                   you.

7                   CHAIRMAN WITTGRAF: Thank you. We will skip over  
8                   agenda item 8, that being the report of the Inspector General  
9                   Oversight Committee for the moment, unless there is  
10                  objection, and proceed to agenda item 9. That is the report  
11                  of the Committee for the Provision for the Delivery of Legal  
12                  Services. For that purpose, the Chair recognizes Mr. Hall.

13                                    CONSIDERATION OF PROVISION FOR THE DELIVERY OF  
14                                    LEGAL SERVICES COMMITTEE REPORT

15                  MR. HALL: Thank you, Mr. Chairman. The committee  
16                  did meet yesterday and received updated reports on several  
17                  ongoing projects. We learned concerning the requests for  
18                  proposals for the migrant ombudsman demonstration project  
19                  that the review panel has met and has made their  
20                  recommendations to President O'Hara, and that all four of the  
21                  proposals that had been presented have been funded. I  
22                  believe it's \$75,000 or thereabouts each. The money will

1 actually go out late July to early August.

2 We also heard a report on the grantee attorney  
3 recruitment and retention efforts. As you all know, as of  
4 last May we had received about 220 responses to that. We  
5 learned yesterday that 20 of the programs that responded have  
6 loan repayment programs of some type already in place, and  
7 they reported they felt that was beneficial in keeping their  
8 attorneys. We learned, however, that 70 of the programs, of  
9 the 220 that responded to us, said that they had no problems  
10 or very little problem, if any, with these areas, with  
11 recruitment and retention.

12 The staff of Emilia DiSanto reported that she had  
13 analyzed those 70 program responses and found that they had  
14 several items in common, and she listed those. They  
15 advertise widely, and when they do, they give, of course, a  
16 positive projection of their program. They have a close  
17 relationship and a good working relationship with the bars in  
18 the area.

19 Then they have very good salaries and they have  
20 good fringe benefits. I think this committee had requested  
21 some update information on that, particularly what those  
22 competitive salaries might be to give us an idea of where

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1 they need to be in order to accomplish what we're trying to  
2 do.

3 We also learned that the staff is talking to the  
4 director of the National Association of Public Interest Law  
5 to see if LSC can cosponsor a jobs fair or some type of  
6 seminar. I think there might be one scheduled this October  
7 in Maryland, Silver Spring. I think that's in Maryland.

8 We also heard an update on the timekeeping grant  
9 solicitations. We learned that the proposal has now been  
10 increased from a maximum of \$15,000 to \$20,000. It has gone  
11 out. We've received 30 inquiries since it's gone out about  
12 timekeeping. Staff has taken steps to prepare a software  
13 vendor list that it either has or will be compiled in the  
14 near future and help answer those questions.

15 The timekeeping proposals are due back in, I think,  
16 around July the 7th. We expect the recommendations, the  
17 reviews and then the recommendations to be made in  
18 mid-August. As I understand it, that money should go out mid  
19 to late September of 1993, although that's subject to some  
20 small variance.

21 We had a report of a meritorious and innovative  
22 grant project. Solicitations were sent out in June, June

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1 15th. Proposals are due back on July 21st. There are two  
2 changes to last year's meritorious grant awards and that is  
3 that only LSC programs may apply. The max has been reduced  
4 to \$50,000.

5 We also heard a very brief report of the law school  
6 grant solicitations. Seventy of the thirty proposals have  
7 been recommended for funding, and those funds will go out in  
8 the near future.

9 Chairman Wittgraf also brought to the attention of  
10 the Board at the close of the meeting yesterday the May 25,  
11 1993, memorandum from Roger C. Rosenthal, the executive  
12 director of the migrant legal action program. He had  
13 prepared a memorandum in response to Chairman Wittgraf's  
14 request that some type of information be gathered that shows  
15 the problems that the migrant programs are having. He had  
16 done that.

17 We have placed the consideration of that on the  
18 agenda of the committee for our next meeting. Basically, our  
19 discussion will center on trying to find some funds to help  
20 alleviate the problems that Mr. Rosenthal has described and  
21 that we've heard prior testimonies on.

22 That's the conclusion of my report.

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1 CHAIRMAN WITTGRAF: Thank you, Mr. Hall. Questions  
2 or comments for Mr. Hall as to the report of that committee?

3 (No response.)

4 CHAIRMAN WITTGRAF: There's nothing that requires  
5 the action of the Board at this time?

6 MR. HALL: No, sir, there's not.

7 CHAIRMAN WITTGRAF: We'll return to agenda item 8,  
8 then, the report of the Office of the Inspector General  
9 Oversight Committee. For that purpose, the Chair recognizes  
10 Mr. Kirk.

11 CONSIDERATION OF OFFICE OF THE INSPECTOR  
12 GENERAL OVERSIGHT COMMITTEE REPORT  
13 - and -  
14 CONSIDERATION OF AUDIT AND APPROPRIATIONS COMMITTEE REPORT

15 MR. KIRK: Mr. Chairman, in view of the short time  
16 involved, would it be appropriate for me just to refer to the  
17 minutes of the meeting that have just taken place rather than  
18 go through the items?

19 CHAIRMAN WITTGRAF: I think that would be fine, Mr.  
20 Kirk. Is there anything from the committee that requires  
21 Board action today?

22 MR. KIRK: Nothing.

23 CHAIRMAN WITTGRAF: That being the case, we'll also  
24 ask you in the absence of Mr. Uddo to make the report of the

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1 Audit and Appropriations Committee. Mr. Kirk?

2 MR. KIRK: I have nothing to report other than what  
3 was just discussed less than an hour ago, except that I'm  
4 looking forward to the meeting with Mr. Uddo, Mr. Richardson,  
5 and the president, and whomever else to work on the  
6 possibility of carryover and the ultimate audit of MAC.

7 CHAIRMAN WITTGRAF: You're referring there  
8 specifically to the funds previously appropriated for the  
9 inspector general and his office?

10 MR. KIRK: That's correct, and the ones that he has  
11 asked that there be a carryover on. We're going to try to  
12 work something out so that we do not end up in the situation  
13 where we may just lose those funds.

14 CHAIRMAN WITTGRAF: Are you and Mr. Uddo  
15 anticipating a telephonic meeting or a meeting where you're  
16 physically present; do you know?

17 MR. KIRK: The words used were that the president  
18 would attempt to set it up, and Mr. Uddo would attend either  
19 by phone or by person. Other than that, we'd refer to the  
20 minutes of the meeting that has just taken place.

21 CHAIRMAN WITTGRAF: There's nothing from that  
22 committee that requires Board action today?

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1 MR. KIRK: No, sir.

2 CHAIRMAN WITTGRAF: At this time, the Chair  
3 recognizes the president for the purpose of his sharing with  
4 us any information or report that he has. Mr. O'Hara?

5 PRESIDENT'S REPORT

6 MR. O'HARA: Thank you, Mr. Chairman. My report  
7 will be very brief. We've already covered a number of the  
8 topics, both in yesterday's committee meetings and in the  
9 forum. I mentioned the one topic. Briefly, our annual  
10 report has been published and has been mailed to all the  
11 programs. I notice there are additional copies on the table  
12 to your left. If members and the public do not have any,  
13 they are available.

14 We anticipate the distribution of our next  
15 newsletter in July.

16 Next we have avoided a furlough day for the July  
17 4th weekend. We're going to go ahead with the savings that  
18 we have. We think we're in pretty good shape so far.

19 Yesterday, it was mentioned that the NITA training  
20 at Drake had been postponed because of the construction and  
21 dedication ceremonies for the new training center. Drake has  
22 agreed that they will perform two NITA trainings next year.

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1           We have completed the Board training video in  
2 Spanish. It is now available to the programs, and they are  
3 being notified. I've had a request this morning from Ms.  
4 Wolbeck for a copy of the Board video training, and that will  
5 be sent to her so that she can view it at her leisure. Any  
6 other member of the Board who would like to have one, they  
7 are available.

8           Ken Boehm has secured the services of five  
9 presidential interns who are working at the Corporation on a  
10 half-day basis until some time -- Ken, is that in early  
11 August?

12           MR. BOEHM: End of July.

13           MR. KIRK: And yesterday I mentioned in the forum  
14 in response to some comments from the audience that we have  
15 received from OLSBUC, which is the Organization of Legal  
16 Service Backup Centers, a submission of a proposal re:  
17 regional training. They are proposing three regional  
18 trainings over the next two-year period requesting funds in  
19 the amount of \$166,140 from the Corporation.

20           They realize that the Board cannot commit funds  
21 from another fiscal year, but that the Board will go along  
22 with approval of the general application of this kind of

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1 training on a continuing basis. The programs who are  
2 participating in this will be making an in-kind contribution  
3 of staff time which is conservatively estimated to be about  
4 \$192,000.

5 The training will be organized by working with the  
6 programs, by working with the NLADA uniting support group,  
7 and the Corporation will be involved. The Corporation will  
8 use its resources as a sponsor in this to obtain government  
9 fares where applicable for getting the personnel from the  
10 various programs around the country to these regional  
11 training centers.

12 As I mentioned yesterday, because the NLADA  
13 training is in Berkeley, the three regional trainings that  
14 are being proposed will be in other locations around the  
15 United States. The first location that has been mentioned  
16 where they have initiated contact is with the clinic at  
17 Loyola University in New Orleans.

18 That, Mr. Chairman, completes my report to the  
19 Board. Excuse me, we will be getting to the Board with this  
20 proposal in a formal matter for the August meeting. There  
21 are a few things we have to work out with this group.

22 CHAIRMAN WITGRAF: Questions or comments for

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1 President O'Hara? Mr. Shumway?

2 MR. SHUMWAY: I would also enjoy seeing the Board  
3 training video, if you could send one to me. Thank you.

4 CHAIRMAN WITTGRAF: Further questions or comments  
5 or requests?

6 (No response.)

7 CHAIRMAN WITTGRAF: Let me just share with the  
8 Board -- I don't know if Mr. O'Hara is aware of this or not  
9 yet -- a letter I just received this week from Henry  
10 Friedman, who is the executive director of the Center on  
11 Social Welfare Policy and Law.

12 He noted that in prior annual reports, and we have  
13 our very attractive annual report for 1992 to which the  
14 president just referred, little or no mention had been made  
15 of national and state support centers or the contributions  
16 being made by them.

17 Mr. Friedman was one of the 25-year award  
18 recipients at our annual conference of legal services  
19 providers in Minneapolis last September. On that occasion,  
20 he observed in one of our forums that little or no mention  
21 was made of these centers, and he was writing to acknowledge  
22 our having corrected that omission in the new, the 1992,

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1 annual report, and expressed his appreciation for it. So, he  
2 wasn't sure if it was due to his initiative or not, but he  
3 was delighted that the annual report had been enhanced in  
4 that way.

5 I did not bring with me, but I also received a  
6 letter from the executive director of East River Legal  
7 Services which serves eastern South Dakota with its  
8 headquarters in Sioux Falls. Correct me if I'm mistaken, but  
9 he had just had his monitoring evaluation recently and wrote  
10 in a laudatory fashion about his monitoring visit, and I  
11 believe made particular mention of assistance that he'd been  
12 receiving from Alice Dickerson. I think it had to do with  
13 ABA compliance, but it is a favorable letter. I'll make sure  
14 you get a copy, Mr. O'Hara. It did have that particular  
15 reference regarding Ms. Dickerson.

16 Otherwise, I've just had a few nasty telephone  
17 calls from people wondering why they were denied services,  
18 and I tried to deal with them as best I can.

19 Would you like to call on Mr. Boehm for anything  
20 further legislatively either on appropriations or  
21 reauthorization?

22 MR. O'HARA: We had planned to, Mr. Chairman, but I

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1 think you adequately covered it in your comments. I saw Ken  
2 shaking his head in agreement.

3 CHAIRMAN WITTGRAF: I spoke only in terms of  
4 appropriations. Are there any comments to be made regarding  
5 reauthorization?

6 MR. O'HARA: Ken?

7 LEGISLATIVE REPORT

8 MR. BOEHM: Yes. There's only one thing I'd add to  
9 the appropriation and that is they approved the same  
10 legislative language we've had for the last several  
11 appropriations bills. The restrictions were approved en  
12 masse and incorporated by reference as they've done in the  
13 past.

14 The only other thing I'd say is on reauthorization  
15 we have received word that they're looking at, they're  
16 looking at it very soon. Originally there was some thought  
17 that it may even take place the month of June. Because of  
18 staff illness on the committee that is involved, it has been  
19 put off. Now we have a recess from the 2nd of July to the  
20 9th. So I suspect it will be after that.

21 We, as yet, don't have any legislation, although  
22 presumably the starting point would be H.R. 2039, the bill

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1 that passed the House last year. So that is eminent, but  
2 there is nothing formally scheduled at this time. That  
3 concludes the report.

4 CHAIRMAN WITTGRAF: Thank you, Mr. Boehm. Any  
5 questions or comments for Mr. Boehm?

6 (No response.)

7 CHAIRMAN WITTGRAF: Any further questions or  
8 comments for President O'Hara?

9 (No response.)

10 CHAIRMAN WITTGRAF: Hearing none, the Chair is  
11 prepared to recognize and does recognize the Corporation's  
12 Inspector General Mr. Quatrevaux.

13 INSPECTOR GENERAL'S REPORT

14 MR. QUATREVAUX: At the end of May, subsequent to  
15 our last meeting, I visited with the project directors in the  
16 New York City metropolitan area to discuss our activities and  
17 how they relate to grantees. The primary focus was on  
18 investigations because of a previous investigation conducted  
19 by my office prior to my arrival. It was an excellent  
20 meeting, and I think all its objectives were accomplished.

21 That's all I have to report.

22 CHAIRMAN WITTGRAF: Questions or comments for GEN

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1 Quatrevaux?

2 (No response.)

3 CHAIRMAN WITTGRAF: GEN Quatrevaux, as I was  
4 looking at the so-called monthly activity summary, it seemed  
5 to me that the number of complaints or referrals actually has  
6 been decreasing, particularly for May of 1993. I didn't  
7 bring all my reports with me, but I think that that's been  
8 true in recent months. Am I correct in that conclusion?

9 MR. QUATREVAUX: It falls, it rises. There's no  
10 pattern to it.

11 CHAIRMAN WITTGRAF: Should we infer or conclude  
12 anything favorable or positive from that?

13 MR. QUATREVAUX: No, Mr. Chairman.

14 CHAIRMAN WITTGRAF: No?

15 MR. QUATREVAUX: No.

16 CHAIRMAN WITTGRAF: The summary indicates two  
17 hotline complaints. I guess there were some 15 hotline  
18 inquiries of a nonsubstantive nature. Do you recall offhand  
19 if the two hotline complaints were internal, meaning the  
20 Corporation offices in Washington, or external, meaning  
21 regarding the field?

22 MR. QUATREVAUX: External.

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1 CHAIRMAN WITTGRAF: Further questions or comments  
2 for GEN Quatrevaux?

3 (No response.)

4 CHAIRMAN WITTGRAF: Thank you.

5 MR. QUATREVAUX: Thank you, Mr. Chairman.

6 CHAIRMAN WITTGRAF: At this time the Chair is  
7 prepared, unless anybody has comment or report or query  
8 otherwise, to accept a motion to confirm the vote taken  
9 already via written ballot for the Board to proceed to  
10 Executive Session for the stated purposes.

11 M O T I O N

12 MR. HALL: So moved.

13 MS. LOVE: Second.

14 CHAIRMAN WITTGRAF: It's been moved by Mr. Hall,  
15 seconded by Ms. Love. Is there discussion?

16 (No response.)

17 CHAIRMAN WITTGRAF: Hearing none, those who are in  
18 favor of the motion to proceed at this time to Executive  
19 Session will signify by saying aye.

20 (A chorus of ayes.)

21 CHAIRMAN WITTGRAF: Those opposed nay.

22 (NO response.)

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1           CHAIRMAN WITTGRAF: The ayes appear to have it.  
2           The ayes do have it. We will now proceed to Executive  
3           Session. To that end, the Chair would ask that for the  
4           outset, all present, with the exception of the reporter,  
5           excuse themselves. Then we will, as suggested by the agenda,  
6           ask the inspector general to join us, and thereafter the  
7           president, and thereafter the general counsel.

8                   (Whereupon, at 11:23 a.m., the meeting was  
9           adjourned to Executive Session.)

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## A F T E R N O O N   S E S S I O N

(12:53 p.m.)

1  
2  
3           CHAIRMAN WITTGRAF: We are now prepared to return  
4 to Board deliberations in open session. We have before us  
5 agenda item 17, the consideration of other business. Is  
6 there any such other business to come before the Board at  
7 this time by any Board member?

8           (No response.)

9           CHAIRMAN WITTGRAF: By any member of the public or  
10 by the one member of the public who has had the misfortune of  
11 having to be here?

12          (No response.)

13          CHAIRMAN WITTGRAF: Hearing none, seeing none, the  
14 Chair is prepared to entertain a motion to adjourn.

## M O T I O N

15  
16          MR. SHUMWAY: So moved.

17          MR. KIRK: Second.

18          CHAIRMAN WITTGRAF: It's been moved by Mr. Shumway  
19 and seconded by Mr. Kirk. Those who are in favor of the  
20 motion to adjourn will signify by saying aye.

21          (A chorus of ayes.)

22          CHAIRMAN WITTGRAF: Opposed nay.

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1 (No response.)

2 CHAIRMAN WITTGRAF: The ayes appear to have it.  
3 The ayes do have it. This regular meeting of the Board of  
4 Directors is adjourned.

5 (Whereupon, at 12:54 p.m., the meeting was  
6 adjourned.)

7 \* \* \* \* \*

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